

HOWARD RUBIN - 10/25/2018

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----x

4 HILLARY LAWSON, KRISTINA HALLMAN,
5 STEPHANIE CALDWELL, MOIRA HATHAWAY,
6 MACEY SPEIGHT, ROSEMARIE PETERSON, and
7 LAUREN FULLER,

8 Plaintiffs,

Case No.:
1:17-cv-06404 (BMC)

9 - against -

10 HOWARD RUBIN, JENNIFER POWERS,
11 and the DOE COMPANY,

12 Defendants.

13 -----x

14 225 Broadway
15 New York, NY 10007
16 October 25, 2018
17 10:11 a.m.

18

19

20 VIDEOTAPED DEPOSITION of HOWARD RUBIN, in
21 the above-entitled action, held at the above time
22 and place, pursuant to order, taken before ESTAMARIE
23 CASTELLI-VELEZ, a shorthand reporter and Notary
24 Public within and for the State of New York.

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33 ALSO PRESENT: Phil Glauberson, Videographer
34 Epiq Global

35 YIFAT V. SCHNUR, ESQ.

1 S T I P U L A T I O N S

2

3 IT IS HEREBY STIPULATED AND AGREED, by and
4 among counsel for the respective parties hereto,
5 that the filing, sealing and certification of the
6 within deposition shall be and the same are hereby
7 waived;

8 IT IS FURTHER STIPULATED AND AGREED that
9 all objections, except as to form of the question,
10 shall be reserved to the time of the trial;

11 IT IS FURTHER STIPULATED AND AGREED that
12 the within deposition may be signed before any
13 Notary Public with the same force and effect as if
14 signed and sworn to before the Court.

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1 can tell the dominant person to stop. 12:10:28

2 Q Did you have a standard safe word? 12:10:35

3 A I did. 12:10:38

4 Q What was it? 12:10:38

5 A I had two safe words. First, was yellow 12:10:39

6 light which meant it's okay, but please slow down. 12:10:44

7 And the second was red light, which meant stop 12:10:48

8 immediately. 12:10:53

9 Q Do you remember using any other safe words 12:10:56

10 other than those two? 12:10:58

11 A Never. 12:10:59

12 Q Did you come up with those safe words 12:11:01

13 yourself? 12:11:05

14 A I don't recall when I ended up deciding on 12:11:09

15 the safe words. I believe it was my decision. 12:11:14

16 Q Besides through use of a safe word, was 12:11:17

17 there any other means by which a submissive could 12:11:23

18 indicate to you discomfort or a choice to stop with 12:11:27

19 the play? 12:11:33

20 A I'm not sure what I -- can you -- can you 12:11:39

21 restate the question? 12:11:41

22 Q You know how in wrestling you can tap out? 12:11:43

23 Do you know what I mean by that? 12:11:47

24 A I do. 12:11:47

25 Q Okay, so I mean, besides the use of safe 12:11:48

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1 A There was a cross in the room, and there 12:28:42
2 were two different types of benches, and at some 12:28:51
3 time in the past we had a canopy-type bed in that 12:29:04
4 second room. 12:29:17

5 Q Sir, you brought up the room. What do you 12:29:18
6 mean by that? Withdrawn. 12:29:18

7 You talk about the room and the 12:29:19
8 second bedroom. First of all, is that the same 12:29:19
9 space? 12:29:22

10 A It is. 12:29:23

11 Q Okay, where was the second bedroom? 12:29:24

12 A In the apartment. 12:29:28

13 Q Which apartment? 12:29:29

14 A It was in the apartment I rented on [REDACTED] 12:29:31

15 [REDACTED]. 12:29:36

16 Q You said you read the complaint in this 12:29:38
17 case, right? 12:29:42

18 A Excuse me? 12:29:42

19 Q You read the complaint you said? 12:29:42

20 A I did. 12:29:44

21 Q Do you remember a reference to the 12:29:45
22 penthouse? 12:29:48

23 A I remember a reference to the penthouse. 12:29:49

24 Q Is that apartment where in the complaint 12:29:49
25 is called the penthouse? 12:29:53

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1	A	It wasn't a penthouse, but I assume that's	12:29:55
2		what you were referring to.	12:29:56
3	Q	What was the address of this apartment?	12:29:57
4	A	[REDACTED].	12:29:59
5	Q	And was there a name for the building?	12:30:03
6	A	[REDACTED].	12:30:06
7	Q	I'm not sure if you may have just said	12:30:09
8		this, but what floor is that?	12:30:09
9	A	It was on the [REDACTED] floor.	12:30:12
10	Q	Ms. Powers talked about the second	12:30:15
11		bedroom. Is that the same second bedroom that	12:30:17
12		you're referencing right now, sir?	12:30:20
13	A	Correct.	12:30:20
14	Q	And it had a keypad to enter into; is that	12:30:21
15		correct?	12:30:24
16	A	In order to get in to the second bedroom,	12:30:25
17		you had to enter a code to get in. There were was	12:30:28
18		no lock to get out of the second bedroom even if the	12:30:33
19		door was closed.	12:30:39
20	Q	Who at any time has known the code for	12:30:40
21		that keypad?	12:30:43
22	A	I believe it was only myself and Jennifer	12:30:54
23		Powers, but it was -- I believe it was just myself	12:30:59
24		and Jennifer Powers.	12:31:08
25	Q	Did you provide the code to anyone other	12:31:10

1 A Have they ever been in that second 12:32:16
2 bedroom, yes. 12:32:16

3 Q Prior to 2011, did you keep sex toys or 12:32:16
4 exotic toys anywhere other than the second bedroom? 12:32:20

5 A Yes. 12:32:27

6 Q Where? 12:32:27

7 A Jennifer Powers kept some sex toys, but 12:32:29
8 not everything I'm talking about at her apartment, 12:32:38
9 and I would use them when I met women at hotels. 12:32:42

10 Q How did you get them -- withdrawn. 12:32:49

11 How did you get the toys to the 12:32:53
12 hotels from Mr. Powers' apartment? 12:32:55

13 A She transported them. 12:32:57

14 Q So, Ms. Powers would meet you at the 12:32:58
15 hotel; is that correct? 12:33:01

16 A Sometimes, yes. 12:33:02

17 Q Or sometimes, if not meet you at the 12:33:02
18 hotel, how would she transport them there for you to 12:33:04
19 be able to get them? 12:33:07

20 A I'm not sure. 12:33:08

21 Q But they would simple be in the hotel 12:33:08
22 room, is that what you mean? 12:33:11

23 A Yes. 12:33:13

24 Q Or maybe left with like a concierge or 12:33:14
25 something like that for you to pick up, or no? 12:33:18

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1	Q	Did Ms. Powers get that for you?	12:48:28
2	A	I don't recall.	12:48:31
3	Q	Did you ever have the sybian before you	12:48:32
4		had the second apartment?	12:48:34
5	A	No.	12:48:35
6	Q	When did you get the second apartment?	12:48:37
7	A	2011, I believe.	12:48:41
8	Q	Is there a reason why you got it in 2011	12:48:46
9		as opposed to going to the hotels as you discussed	12:48:51
10		you had been doing at one time?	12:48:55
11	A	I don't understand your question.	12:48:58
12	Q	At one time you were meeting women with	12:49:00
13		whom you had BDSM play in hotels; is that correct?	12:49:02
14	A	That is correct.	12:49:04
15	Q	Is that how you started your BDSM play at	12:49:05
16		hotels?	12:49:11
17	A	Repeat your question.	12:49:16
18	Q	Sure.	12:49:17
19		Well, you engaged in BDSM play with	12:49:19
20		[REDACTED] , right?	12:49:20
21	A	I did.	12:49:21
22	Q	Was that only in hotels or in another	12:49:22
23		location?	12:49:25
24	A	That was in other locations.	12:49:27
25	Q	Where?	12:49:31

1	question.	15:03:50
2	A I'm not sure what they thought.	15:03:51
3	Q We discussed earlier how there were blank	15:03:53
4	copies of the NDAs in the safe?	15:03:57
5	A Consent and release form, yes.	15:04:00
6	Q You also called them NDAs.	15:04:00
7	MR. MCDONALD: Objection. Objection. Is	15:04:06
8	there a question or a statement?	15:04:06
9	MR. BALESTRIERE: That's a statement.	15:04:07
10	MR. MCDONALD: I just ask counsel refrain	15:04:08
11	from making statements.	15:04:08
12	Q The --	15:04:09
13	MR. MCDONALD: Did you get that on the	15:04:09
14	record? Thanks.	15:04:10
15	Q The -- did you show those forms to the --	15:04:12
16	to any of the women that came to the apartment?	15:04:16
17	A Yes.	15:04:20
18	Q When in relation to your meeting with the	15:04:22
19	women?	15:04:31
20	A Prior to any physical sexual interaction.	15:04:31
21	Q Did you have a discussion with the women	15:04:45
22	about the form?	15:04:47
23	A Yes.	15:04:51
24	Q Did you ask them to sign the forms?	15:04:52
25	A For the most part, Jennifer Powers was	15:04:57

1 present when women were signing the forms and I 15:05:08
2 wasn't. There were occasions when I was the one 15:05:11
3 present. For instance, for [REDACTED], it was 15:05:15
4 myself, [REDACTED], and [REDACTED] there when 15:05:19
5 [REDACTED] signed the release form. 15:05:23

6 Q How come it was you -- how come you were 15:05:27
7 present when Ms. [REDACTED] signed the form and not 15:05:30
8 Ms. Powers that -- on that occasion? 15:05:37

9 A I assume she was busy for some reason, but 15:05:39
10 I don't have any specific recollection of why it was 15:05:42
11 just myself and [REDACTED] in that assistance. 15:05:45

12 Q When did you first have a form written up? 15:05:50

13 A In fall of 2014. 15:05:55

14 Q What prompted you to seek to get a form at 15:05:59
15 that time? 15:06:05

16 A A couple of things; one, is I had been 15:06:06
17 [REDACTED] 15:06:14
18 [REDACTED] 15:06:19
19 [REDACTED], and I had also seen 15:06:22
20 online a NDA form that Justin Bieber had used for 15:06:29
21 women that visited him, and that gave me the idea 15:06:39
22 that I needed or wanted an NDA release form to use 15:06:44
23 for myself. 15:06:52

24 Q The [REDACTED], 15:06:54
25 [REDACTED]? 15:07:00

1	A	[REDACTED].	15:08:08
2	Q	[REDACTED]	15:08:08
3		[REDACTED]?	15:08:14
4	A	[REDACTED].	15:08:22
5	Q	How did you end up getting the forms?	15:08:23
6		Like, who did you go to? We're going back to the	15:08:25
7		NDA forms. You discussed how it was the fall of	15:08:30
8		2014, you had these experiences, you saw a form that	15:08:33
9		Justin Bieber used. Who did you hire to draft the	15:08:37
10		form for you?	15:08:41
11	A	The same attorney that I used to help me	15:08:43
12		with the settlement agreements with the women and	15:08:47
13		that's [REDACTED].	15:08:49
14	Q	How did you get connected to Mr. [REDACTED]	15:08:54
15		in the first place?	15:08:57
16		MR. MCDONALD: Objection. Grounds of	15:08:58
17		relevance.	15:09:00
18	A	You know, I don't recall how I got his	15:09:00
19		name.	15:09:03
20	Q	Did you have any kind of relationship with	15:09:03
21		him, personal, professional before you hired him	15:09:04
22		with regards to those women?	15:09:08
23	A	I did not.	15:09:09
24	Q	And you know he is a criminal defense	15:09:10
25		lawyer, right?	15:09:18

1 as I sit here, I can't recall under what 15:19:59
2 circumstances. 15:20:03

3 Q Prior to the summer of 2017, so prior to 15:20:04
4 about 15 months or so ago, what other legal 15:20:09
5 services, if any, did Ms. Schnur provide to you? 15:20:12

6 A Restate the question. 15:20:19

7 Q Sure, I can ask it a different way. That 15:20:20
8 was about two years ago when you hired her for that 15:20:20
9 immigration issue; is that correct? 15:20:25

10 A Estimating. 15:20:26

11 Q You had not met Ms. Schnur before the time 15:20:27
12 that you had hired for that immigration issue; is 15:20:30
13 that correct. 15:20:32

14 A That's correct. 15:20:33

15 Q After the that immigration issue, when was 15:20:33
16 the next time that you hired Ms. Schnur or sought 15:20:35
17 legal services from her? 15:20:41

18 A A few months after that. 15:20:44

19 Q For what did you seek her services? 15:20:47

20 A I -- 15:20:49

21 MR. GILBERT: I'm going to caution the 15:20:50
22 witness not to reveal any substantive 15:20:50
23 discussions you had with counsel. 15:20:52

24 You can answer this question. 15:20:53

25 MR. BALESTRIERE: I'm not -- I'm not 15:20:56

1	asking what you talked to her about, sir.	15:20:56
2	THE WITNESS: Okay.	15:21:00
3	MR. BALESTRIERE: I'm asking you what you	15:21:00
4	hired her for.	15:21:00
5	A I wanted her to look over the consent	15:21:02
6	agreement and see if there was any updates she	15:21:09
7	thought would be worthwhile to make in the consent	15:21:14
8	agreement.	15:21:18
9	Q So, around what time was this?	15:21:19
10	A You're -- meaning -- 2017 sometime.	15:21:24
11	Q So, it was actually last year sometime	15:21:29
12	when you asked her to do this; is that correct?	15:21:31
13	A That's my best estimate.	15:21:32
14	Q By that time I believe your testimony then	15:21:34
15	is that you had been using the other forms for	15:21:35
16	something like two years or a little more; is that	15:21:37
17	correct?	15:21:40
18	A That's correct.	15:21:40
19	Q What prompted your desire to get anyone to	15:21:41
20	update the forms?	15:21:45
21	A Always thought a second set of eyes, legal	15:21:48
22	eyes, on the form would've been worthwhile to have	15:21:53
23	someone look at.	15:21:59
24	Q How come you didn't get that second set of	15:22:01
25	legal eyes prior to that time if you had been using	15:22:03

1 the form a couple years? 15:22:09

2 A It's because I had just gotten introduced 15:22:12

3 to Yifat Schnur on this different matter. So, in -- 15:22:14

4 it was just easy to ask her to take a look at this 15:22:20

5 form as opposed to trying to go out, find a new 15:22:26

6 lawyer, kind of have them all come up to speed on 15:22:35

7 what the form was, or something like that. I had 15:22:39

8 gotten an introduction to her, so I asked her to 15:22:45

9 take a look at it. 15:22:49

10 Q So, how long after she handled the 15:22:50

11 immigration issue for you did you ask her to look at 15:22:52

12 the forms? 15:22:55

13 A Few months maybe, I can't remember. 15:22:57

14 Q Did she -- 15:22:59

15 A They were never changed by the way. All 15:22:59

16 the original forms were the same than the ones I had 15:23:01

17 gotten from [REDACTED]. 15:23:08

18 Q You're paying for Ms. Schnur's fees in 15:23:11

19 this case, correct? 15:23:13

20 A In the case that you sued her from -- 15:23:17

21 Q Yes. 15:23:19

22 A -- for and being sanctioned for? 15:23:19

23 Q Yes. 15:23:21

24 A Yes, I am. 15:23:21

25 Q And you're always paying for her to 15:23:22

1	Ms. Powers with regards to the payment of her legal	15:24:09
2	fees?	15:24:12
3	A No.	15:24:14
4	Q Do you have an oral agreement with Ms.	15:24:15
5	Powers with regard to the payment of her legal fees?	15:24:17
6	A No.	15:24:21
7	Q If there was a judgment entered against	15:24:22
8	Ms. Powers, have you agreed to pay for that?	15:24:25
9	A I think she's going to [REDACTED]	15:24:26
10	[REDACTED]	15:24:28
11	Q That wasn't my question.	15:24:30
12	My question is, if there is a	15:24:31
13	judgment entered against her, have you agreed to pay	15:24:32
14	for that judgment?	15:24:36
15	A No.	15:24:37
16	Q So, when was the first time that you had	15:24:50
17	any contact at all with [REDACTED]?	15:24:52
18	A 2009, 2010ish.	15:25:00
19	Q And you may have testified to this	15:25:04
20	already, but how did you first learn about Ms.	15:25:05
21	[REDACTED]?	15:25:07
22	A Through [REDACTED].	15:25:09
23	Q Did you go to Ms. [REDACTED] and ask to meet	15:25:13
24	with a particular kind of person and she made the	15:25:16
25	introduction?	15:25:22

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1 D E C L A R A T I O N

2

3 I hereby certify that having been first
4 duly sworn to testify to the truth, I gave the above
5 testimony.

6 I FURTHER CERTIFY that the foregoing
7 transcript is a true and correct transcript of the
8 testimony given by me at the time and place
9 specified hereinbefore.

10

11

HOWARD RUBIN

12

13

14 Subscribed and sworn to before me
15 this ____ day of _____, 20__.

16

17

NOTARY PUBLIC

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1 I N D E X

2 EXAMINATION BY PAGE

3 MR. BALESTRIERE 5

4

5 E X H I B I T S

6 EXHIBITS DESCRIPTION PAGE

7 * * * NO EXHIBITS INTRODUCED * * *

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1 C E R T I F I C A T E

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3 I, ESTAMARIE CASTELLI-VELEZ, a Shorthand
4 Reporter and Notary Public within and for the State
5 of New York, do hereby certify:

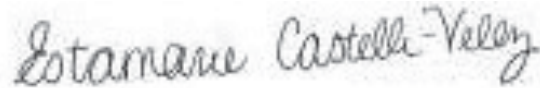
6 THAT HOWARD RUBIN, the witness whose
7 deposition is hereinbefore set forth, was duly sworn
8 by me, and that such deposition is a true record of
9 the testimony given by such witness.

10 I further certify that I am not related to
11 any of the parties to this action by blood or by
12 marriage and that I am in no way interested in the
13 outcome of this matter.

14

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16



ESTAMARIE CASTELLI-VELEZ

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